IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8641 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NAYAN LABHSHANKAR THAKAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8641 of 2000

MR TR MISHRA for Petitioners No. 1-5

MR PV HATHI for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

..... for Respondents No. 3-5

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 18/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri P.V. Hathi for the respondents. At the request of the learned advocates, the petition is finally heard today.

2. There are awards passed by the Industrial Court, Rajkot in favour of the petitioners. Award dated 9.3.98 is in favour of petitioner No. 1 whereas award dated 27.11.97 is in favour of petitioner No. 2. By virtue of the said awards, the respondent taluka panchayat has been directed to treat petitioners Nos. 1 and 2 as permanent with effect from 1.4.97 and 1.1.96, respectively, on certain conditions. The said awards have not been challenged by the respondent authorities and, therefore, they have become final.

3. Looking to the fact that the awards have not been challenged and they have become final, learned advocate Shri Hathi appearing for the respondents has fairly submitted that the said awards shall be duly complied with and all benefits, which are to be given to the petitioners, shall be given to them as soon as possible.

4. The apprehension of the petitioners is that their services might be terminated without following due process of law by the respondent taluka panchayat. Looking to the fact that Learned advocate Shri Hathi has fairly submitted that all the benefits which have been directed to be given to the petitioners are to be given to the petitioners in due course, in my opinion, the said apprehension is not well-founded. It is, however, directed that service of the petitioners shall not be terminated except in accordance with law.

5. In view of the above statements made by learned advocate Shri Hathi and the direction given hereinabove,

the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(A.R. Dave, J.)

(hn)